

MINUTES
WARRICK COUNTY AREA BOARD OF ZONING APPEALS

Regular meeting to be held in the Commissioners Meeting Room,
Third Floor, Historic Courthouse,
Boonville, Indiana
April 25, 2011 at 6:00 P.M.

MEMBERS PRESENT: Larry Willis, Chairman; Mike Winge, Vice Chairman, Tina Baxter, Scott Dowers, Judy Writsel, and Don Mottley.

Also present were Attorney, Morrie Doll, Sherri Rector, Executive Director and Secretary, Susan Hilgeman, Staff.

MEMBERS ABSENT: Terry Dayvolt

Roll call was taken and a quorum declared present. The Chairman explained the Rules of Procedure to the audience. The Chairman led the Board in the Pledge of Allegiance.

MINUTES: Upon a motion made by Mike Winge and seconded by Don Mottley, the minutes of the last regular meeting held March 28, 2011, were approved as circulated.

AMENDMENT TO RULES OF PROCEDURE:

Mrs. Rector stated at one of the Board meetings it was discussed about continuing and she knows they have continued items in the past for like two months or three months, whatever. She stated it was not clear in the rules of procedure, it just simple said, "(a) The Board may continue any item from one meeting to another. No notice shall be required for the continued consideration of any item except that required by State Law." She stated of course it goes on into (b) if they did receive a vote then it was automatically carried over to the next meeting. She stated so anyway she put in a proposed one so if something comes up and an applicant needs two or three months at the most to come up with something then they could ask for that and that way if there are remonstrators then they know when it is going to be heard. She stated then they don't have to repeatedly come each month up here to get continued again. She stated she just did the three months and anything after that they would have to re-notice all the adjacent property owners. She stated there is a fee established by the Plan Commission for continuances for special uses and what this Board hears. She stated they would need to pay the continuation fee at that point as well.

Mr. Willis stated it says the property owner may request a continuance to a regularly scheduled meeting not to exceed a period which would be 3 regular scheduled meetings. He then asked would that be the meeting that they were at or would that be starting with the next being number one.

Mrs. Rector stated she did not care.

Mr. Willis stated he knows she does not care, but he thinks they need to determine that.

Mrs. Rector stated she didn't mean that, 3 meetings, from here they could not do it 3 meetings after. She stated they can change it two 2 it does not matter to her.

Mr. Willis stated no, he just thinks they need an understanding when number 1 starts.

Mrs. Baxter asked if there was anywhere in there that tells them that they will be charged.

Mrs. Rector stated in the last sentence is says, "and pay the continuance fee as established."

Mrs. Baxter stated it does say what the cost will be though.

Mrs. Rector stated that they don't actually put the fee in anything because they approve the fee schedule at the beginning of the years by the Plan Commission.

Attorney Doll stated if the Board would like to address the issue about how many meetings and if the meeting they are at counts as one of the ones they are at, if you don't intend it to count he would think in front of the typed would three, "the next" should be placed. He stated that would imply the meeting they are starting at does not apply and that they have up to 90 days to fix it. He stated the only other suggestion that he would make, and Mrs. Rector and he talked about it and he did not get back with her which is probably his fault, is the last sentence. He stated he can see where someone would come in an run into a problem and say they would like to exercise their right to continue it for 3 meetings and then they would show up at third future meeting and still not the problem fixed and say well this is an altogether new request and they would like to extend it again for another 3 meetings. He stated he does not think that is the intent. He stated so in the last sentence perhaps they would say, "If the request exceeds this total time period they must re-notice adjacent property owners and pay the continuance fee as established." He stated that way it implies they only get to do this one time, they get three months, if everybody agrees to 3, but you don't get 3 plus, 3 plus, 3 plus, 3 plus. He stated that is all of his suggestions other than that Mrs. Rectors has done a really good job.

Mrs. Rector stated they can vote to amend them and then vote to approve them as amended.

Attorney Doll stated they can make a motion to adopt subjectto these two amendments, if they like the amendments.

Don Mottley made a motion at approve the amendments to the rules of procedures 3.8(a) to read as follows.

- (a) The property owner may request a continuance to a regularly scheduled meeting, not to exceed a period which would be the next three (3) regularly scheduled meeting. If the requests exceeds this total time period they must re-notice adjacent property owners and pay the continuance fee as established.

The motion was seconded by Mike Winge and unanimously carried.

Mrs. Rector stated she would bring the original to the next meeting for Mr. Willis to sign and then the staff will reprint that pager for all the Board Member.

Mr. Mottley asked if he could get a copy of the 2011 Rules of Procedure, all he has is 2008, 2009, and 2010.

Mrs. Rector stated he could the one she has.

She then passed it down to him.

SPECIAL USES:

BZA-SU-11-06: APPLICANT: Liberty Mine, LLC. By Alex Messamore, Mgr of Permits and Land Acquisition OWNER: ALCOA Fuels, Inc. By, Laurie Thering, Vice President and Daryl & Beth A. Mottley

PREMISES AFFECTED: 1108 acres located on the N side of New Harmony Rd. and 276 acres located on the S side of New Harmony Rd approximately 0'E of the intersection formed by New Harmony Rd. (N 400) and Weyerbacher Rd. (W 600) Campbell Twp. (Complete legal on file.)

NATURE OF CASE: Applicant requests a Special Use SU-13 from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, Indiana to allow mineral extraction, storage, and processing, and/or oil/gas production in an "A" Agriculture, "M-2" General Industrial, and "CON Recreation and Conservancy Zoning Districts. *Advertised in the Boonville Standard March 17, 2011 Continued from the March 28th meeting.*

The Chairman stated that they have a letter from Liberty Mine that reads, "Mrs. Rector at this time Liberty Mines, LLC is withdrawing the above referenced application. The application will be resubmitted at a future date. Should you have any questions regarding this letter, please call. Signed Alex Messamore." He then stated Liberty Mine will be taken off the docket tonight.

Mrs. Rector asked if the Board needed to make a motion to allow the withdraw.

Attorney Doll stated no.

VARIANCES:

BZA-V-11-07: APPLICANT & OWNER: Linda Faye Terry

PREMISES AFFECTED: Property located on the N side of Oak Lane approximately 0' W of the intersection formed by Oak Lane and Oak Street. Lot 13 in Walnut Grove Subdivision. Town of Lynnville. *206 Oak Lane*

NATURE OF CASE: Applicant requests a Variance from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, Indiana, to allow an Improvement Location Permit to be issued for an addition encroaching 17' (max) into the 25' building setback line and front yard requirement in an "R-1A" Single Family Dwelling zoning district. *Advertised in the Boonville Standard April 14, 2011.*

Present was Linda Faye Terry.

The Chairman called for a staff report.

Mrs. Rector stated all return receipts from certified mail of notice of this meeting have been submitted. She stated this variance request is to allow an improvement location permit to be issued for an addition encroaching 17' into the 25' building setback line and in the required front yard. She stated the applicant states on the application, "I need to live with my daughter and need access to the mailbox which was already on Oak Street when I bought the house for her daughter to live in. I am not in good health and need to be able to have enough garage space for two cars. I have trouble walking and need access to mailbox without having to walk from Oak Lane to Oak Street in the snow and ice to get the mail. I need space for two cars and the existing garage only has space for one car." She stated all the surrounding property is zoned "R-1A" with residences on them. She stated there is no Flood Plain on the property and the property has an existing entrance off of Oak Lane. She stated they have a letter from the Town of Lynnville stating, "That at the Lynnville Town Council Meeting on Tuesday April 19th the Lynnville Town Council voted to object to the Variance requested by Linda Faye Terry." She stated they also have the unapproved set of minutes from that meeting stating, "the reason for the objection is that there is not enough room to allow the variance." She stated their minutes do not go into their discussions it just basically says they have a discussion so there is nothing that she can report that was said by any of the town council members. She stated she is asking to be 8 feet from her property line and then there would be an additional 10 feet to the pavement at the closest point. She stated they also had the County Engineer's office go out, just like they do for any application encroaching into the building line, so they went out today and they have stated that there would be no sight distance problem at all due to her proposed addition. She stated the Assistant County Engineer did take pictures where it looks like to do this there would be a large fir tree that has to come down, so basically what he said it that it would not cause any other problem that all of the shrubs and trees are causing now. She stated they just got these pictures and they were left under the door, so there was no time to make copies. She stated in the packet is the layout of the interior of the house showing that if she would place it at any other part of the house they would have to go through bed rooms and structurally that it would not work or it would be a lot more expense. She stated she talked to her today and they have a one car garage and they want to add just another car garage.

Mr. Winge asked if that was field bed or sewer.

Mrs. Writsel stated sewer.

Mrs. Rector stated she would pass the pictures down for the Board to see. She then stated the application is in order.

The Chairman asked if the applicant had anything to add to the staff report.

Ms. Terry stated she did a fine job in explaining her situation and she has talked with her numerous times. She stated she started working here April 11th and the Bank has approved the

construction loan if the Board approves this. She stated if she would try and put a garage anywhere else on the property she thinks it would deface the property and she only wants enough space for the one car. She stated she has artificial knees which work most of the time, but sometimes they don't work very well and anticipating any problems, she is moving now while she still can so that her daughter can take care of her later in life.

Mrs. Rector asked if Ms. Terry told her this was a foreclosed house.

Ms. Terry stated yes, it was and short sale. She stated she bought it for what they were asking for it. She stated they have replaced the roof and the siding.

Mr. Mottley asked if they had any documentation from the Warrick County Health Department.

Mrs. Rector stated it was on sewer.

Mr. Mottley asked at the town hall meeting were there any remonstrators, adjacent property owners there to speak.

Ms. Terry stated she was not aware of the Town's meeting that her property was going to be discussed so she was not there.

Mrs. Rector stated normally the procedure is because we enforce the regulations for the Town of Lynnville, Tennyson, and Elberfeld, we simply send the Town a letter notifying them that this placed on the agenda. She stated sometimes they get comments back, it is not something they have to vote on. She stated them voting on it does not over rule or does not mean that this Board has to turn it down or approve it.

Mr. Mottley asked Mrs. Writsel if there were any adjacent property owners at the Town meeting.

Mrs. Writsel stated no. She stated this was brought up because they were sent a letter by Sherri and all the member took a look at the space and one of the main concerns was the mailbox. She stated they contacted the post office and they said all she had to do was bring a hardship letter and they would move her mailbox to Oak Lane. She stated it was their concern that the building is getting pretty close to the road and in the future, the gentleman that handles some of the sewer and water lines, said it was getting a little close of the utilities should they have future utility installations, cable, water, gas, etc.

Mr. Willis asked if right now she was going to be in any easement.

Mrs. Writsel stated yes 5 feet.

Mrs. Rector stated she is not building over any easements.

Mrs. Writsel stated no into the line.

Attorney Doll stated even with the addition it does not encroach into any type of utility easement.

Mrs. Rector stated no. She then stated there are easements set aside already in the recorded plat.

Attorney Doll stated they run on the side of the lot.

Ms. Terry stated she did request a gas meter to be moved and it was moved, so it comes straight out the back out to the front by the bedroom which is a great deal away from the electrical.

Mr. Willis asked if she wanted to add this to her structure so that she can park two cars in the garage, will they be tandem or side by side.

Mrs. Writsel stated they will be side by side because they want to change the entrance.

Ms. Terry stated if the Board is against her changing the entrance she is willing to leave it and has even drawn a new drawing showing the existing entrance.

Mrs. Rector stated she is not going against the Town of Lynnville and their option or anything, but if she came in and got the permit for the house she has the right to have the drive come off either street.

Attorney Doll stated her lot is an irregularly shaped lot. He stated it is 150' on the West side and 60' on the East before the radius so it narrows.

Mr. Mottley stated as far as getting the mailbox moved, he lives up on a hill and he has to take his wheel chair down that hill to get his mail and he called the Boonville Post office, they said someone would come out, but if there is ice, snow, and it is not removed they don't have to climb that hill to bring him his mail, so he has a mailbox at the bottom and at the top. He stated it is not that easy to get it, they have to look at the situation and make a decision. He stated he has tried two different times and that is what they have told him both times.

Ms. Terry stated Saturday as she was leaving to go back to Indianapolis, to spoke with the carrier, who was not the regular carrier, and she said they would have to talk with the post master and that they normally don't deliver down Oak Lane.

Mrs. Writsel stated they don't, but they also have never denied a variance for hardship in Lynnville.

Mr. Mottley asked if the applicant wanted to amend the application.

Attorney Doll stated he thinks the Board needs to act on the application as it stands. He stated if it is denied and someone wants to make a second motion to conditionally approve it with the Oak Lane entrance that is up to them. He stated the only thing the Board is dealing with is a building line.

Mrs. Rector stated there is no easement, not the placement of her mailbox, etc.

Attorney Doll stated and apparently the proposed structure is not going stick out any more than the existing trees.

Ms. Terry stated the addition goes to the existing pine tree.

There being no remonstrators and no further questions by the Board the Chairman called for a motion.

Mike Winge made a motion to approve the Variance Application based upon and including the following findings of fact:

1. The grant of the Variance will not be injurious to the public health, safety, morals, and general welfare of the Community. As such, it is further found that the granting of the Variance shall not be materially detrimental to the public welfare.
2. The use or value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner. As such, it is further found that the granting of the Variance shall not result in substantial detriment to adjacent property or the surrounding neighborhood.
3. The need for the Variance arises from some condition peculiar to the property involved. The peculiar condition constituting a hardship is unique to the property involved or so limited to such a small number of properties that it constitutes a marked exception to the property in the neighborhood. Such condition is the configuration of the lot as a corner lot and its irregular shape.
4. The strict application of the terms of the Warrick County Comprehensive Zoning Ordinance will constitute a practical difficulty, unusual and unnecessary hardship if applied to the property for which the Variance is sought.
5. The approval does not interfere substantially with the Warrick County Comprehensive Zoning Ordinance adopted pursuant to IC 36-7-4-500 et seq.
6. The granting of the Variance is necessary in order to preserve a substantial property right of the petitioner to use the property in a reasonable manner, and not merely to allow the petitioner some opportunity to use his property in a more profitable way or to sell it at a greater profit.
7. That the hardship to the applicant's use of the property was not self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions of the Warrick County Comprehensive Zoning Ordinance.

8. The approval of the requested Variance is the least modification of applicable regulations possible so that the substantial intent and purpose of those regulations contained in the Warrick County Comprehensive Zoning Ordinance shall be preserved.
9. This Variance shall expire six (6) months after this date, UNLESS a Permit based upon and incorporating this Variance is obtained within the aforesaid six (6) month period or unless the provision of the Variance are adhered to within the aforesaid six (6) month period. Upon advance written application for good cause, a renewal for an additional six (6) month period may be granted by the Secretary of the Area Plan Commission.
10. The Variance Application is subject to the terms contained therein and the plans on file subject to the following additional conditions:
 - a) Subject to an Improvement Location Permit being obtained.
 - b) Subject to any required Building Permit from the Warrick County Building Department being obtained.
 - c) Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
 - d) Subject to all utility easement and facilities in place.

The motion was seconded by Don Mottley and unanimously carried.

BZA-V-11-08: APPLICANT: Assisted Living Concepts by Amir Adam, Project Manager
OWNER: ALC Real Est. LLC by Laurie Bebo, Owner

PREMISES AFFECTED: Property located on the S side of Wyntree Drive approximately 300' E of the intersection formed by Merchant Drive and Wyntree Drive. Lot 24 in Replat of Lot 24 Highpointe Centre Subdivision Section E 2. Ohio Twp. 4200 Wyntree Dr

NATURE OF CASE: Applicant requests a Variance from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, Indiana, to allow an Improvement Location Permit to be issued for an on premise sign encroaching 15' into the required 25' front yard in an "R-3" Resort zoning district. *Advertised in the Boonville Standard April 14, 2011.*

Present was Amir Adam, Project Manager for Assisted Living Concepts and Power of Attorney for ALC Real Est. LLC

The Chairman called for a staff report.

Mrs. Rector stated all return receipts from certified mail have been submitted except from James Brown, Don and Pamela Creek, and Mary Jane Myrna, however they do have signed waivers of non-objection. She stated the applicant tried to do a walk around and they were unable to get all the signatures, there were people out of town and different companies and things, so they had to meet the filing dead line and file the application to be here tonight. She stated the variance to is

allow an improvement location permit to be issued for an on premise sign not meeting the minimum 25' building setback requirement. She stated they are asking for an encroachment of 15'. She stated this property is zoned, "R-3," so there is a 25' setback where normally there is a 5' in commercial. She stated the applicant states on the application, "Installing a new sign with the 25' building setback and existing mature trees will obscure a new sign if sign is installed beyond the 25' building setback." She stated the property to the North, East, and West, is all zoned commercial with the movie theater, a doctor's office, and Wyntree Villas PUD. She stated the property to the South is zoned, "R-1A" with residences on them. She stated there is no flood plain and the property has an existing entrance off of Wyntree Drive. She stated there is an existing sign that is going to be removed and the original sign had a sign off from the County Engineer that it would not cause a sight problem and the current County Engineer went out to look at the proposed location of the new sign and did not see any problems with this location either. She stated Mr. Adam does have a recorded power of attorney to represent both companies.

The Chairman asked if the applicant had anything to add to the staff report.

Mr. Adam stated the over grown trees, mature trees, will be obstructing the new sign and they don't want to take them down. He stated it is nature and they don't want to disrupt it and the nature will enhance the new sign as well.

Mr. Mottley asked if this was a corner lot.

Mrs. Rector stated she believes you can get to it from 261 and Medwell Drive and then also from Wyntree Drive, but no it is not a corner lot.

Mrs. Rector asked if this was going to be a message board or just a sign.

Mr. Adam stated just a sign.

Mr. Willis stated it is less than 7' in height.

Mr. Adam stated correct 6'9".

There being no remonstrators and no further questions by the Board, the Chairman called for a motion.

There being no further questions by the Board and no remonstrators the Chairman called for a motion.

Mike Winge made a motion to approve the Variance Application based upon and including the following findings of fact:

1. The grant of the Variance will not be injurious to the public health, safety, morals, and general welfare of the Community. As such, it is further found that the granting of the Variance shall not be materially detrimental to the public welfare.

2. The use or value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner. As such, it is further found that the granting of the Variance shall not result in substantial detriment to adjacent property or the surrounding neighborhood.
3. The need for the Variance arises from some condition peculiar to the property involved. The peculiar condition constituting a hardship is unique to the property involved or so limited to such a small number of properties that it constitutes a marked exception to the property in the neighborhood. Such condition is the existing natural vegetation which will be preserved at this site and requires the sign in the required building setback.
4. The strict application of the terms of the Warrick County Comprehensive Zoning Ordinance will constitute a practical difficulty, unusual and unnecessary hardship if applied to the property for which the Variance is sought.
5. The approval does not interfere substantially with the Warrick County Comprehensive Zoning Ordinance adopted pursuant to IC 36-7-4-500 et seq.
6. The granting of the Variance is necessary in order to preserve a substantial property right of the petitioner to use the property in a reasonable manner, and not merely to allow the petitioner some opportunity to use his property in a more profitable way or to sell it at a greater profit.
7. That the hardship to the applicant's use of the property was not self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions of the Warrick County Comprehensive Zoning Ordinance.
8. The approval of the requested Variance is the least modification of applicable regulations possible so that the substantial intent and purpose of those regulations contained in the Warrick County Comprehensive Zoning Ordinance shall be preserved.
9. This Variance shall expire six (6) months after this date, UNLESS a Permit based upon and incorporating this Variance is obtained within the aforesaid six (6) month period or unless the provision of the Variance are adhered to within the aforesaid six (6) month period. Upon advance written application for good cause, a renewal for an additional six (6) month period may be granted by the Secretary of the Area Plan Commission.
10. The Variance Application is subject to the terms contained therein and the plans on file subject to the following additional conditions:
 - a. Subject to an Improvement Location Permit being obtained.
 - b. Subject to any required Building Permit from the Warrick County Building Department being obtained.
 - c. Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.

d. Subject to all utility easement and facilities in place.

The motion was seconded by Scott Dowers and unanimously carried.

BZA-V-11-10: APPLICANTS & OWNERS: Randall K & Kyna Dhom

PREMISES AFFECTED: Property located on the W side of Lisa Lane approximately 475' S of the intersection formed by Lisa Lane and Jeffrey Lane. Part Lot 29, Unit C, Lakeland Court Subdivision. Ohio Twp. 5868 Lisa Lane

NATURE OF CASE: Applicant requests a Variance from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, Indiana, to allow an Improvement Location Permit to be issued for an addition to a residence encroaching 13' into the required 25' rear yard in an "R-2" Multi family dwelling zoning district. *Advertised in the Boonville Standard April 14, 2011.*

Present were Kyna Dhom, owner and Jeffrey Head, contractor.

The Chairman called for a staff report.

Mrs. Rector stated they do have all the return receipts from certified mail from notice of this meeting. She stated this is a variance to allow a permit to be issued for an addition not meeting the minimum rear yard requirements. She stated they are asking to encroach 13' into the 25' rear yard requirement. She stated the applicant states on the application, "I need to add on to my home for various reasons, mainly for health reasons. My daughter has recently gotten sick and we have to home school. We need more space. My husband was diagnosed with 2 types of sleep apnea, which requires him to sleep in another room. There are only two bedrooms and I need to allow my 11 year old to have her own room instead of having to sleep in my room." She stated all of the surrounding property is zoned "R-2" with residences. She stated there is no flood plain and the property is accessed off Lisa Lane. She stated the subdivision was approved and the buildings were approved as one structure and then the units were sold off leaving it non-conforming and no room for additions and this was done in the 1970's.

The Chairman asked if the applicant has anything further to add to the staff report.

Mrs. Dhom stated no.

Mr. Mottley asked if there was a reason this could not be moved to the side in that 33' area.

Mrs. Dhom stated she is trying to, well her daughter has tons of allergies, so she is not allowed to eat meat so they are changing to vegetarian, and so right now that side yard is a garden. She stated she is trying to grow and can foods because produce is just so expensive. She stated they can if they have too, but does not do anything for her garden.

Attorney Doll stated the front of the property curves and the house was built in the shortest, in depth, part of your lot. He stated if they had placed it on the other part of the lot and brought

closer to the road, she probably would not be asking for the variance. He stated it is just an existing circumstance of where your home was placed on this lot that is unique.

Mrs. Dhom stated yes, it is very unique.

Mr. Mottley asked Mr. Head if the 4' back and 13' across is the garage.

Mr. Head stated yes.

Mr. Mottley asked if the addition was moved forward and to the side if it would leave her that whole back area for her garden.

Attorney Doll stated yeah, but it might not work with her roof line.

Mr. Head stated that is the cost issue of tying into that roof line, it would be astronomical.

Mr. Mottley stated he was just trying to find some way to find a way to get by without granting a variance.

Attorney Doll asked if this was the least expensive way to add the amount of square footage they need.

Mr. Head stated yes. He stated they are just going to put a shed roof off the back of it.

Attorney Doll asked if there were neighbors behind them.

Mr. Head stated yes, but it is a different subdivision and they have a privacy fence.

Attorney Doll asked so they have a fence.

Mrs. Dhom stated yes.

There being no remonstrators and no further questions by the Board, the Chairman called for a motion.

Don Mottley made a motion to approve the Variance Application based upon and including the following findings of fact:

1. The grant of the Variance will not be injurious to the public health, safety, morals, and general welfare of the Community. As such, it is further found that the granting of the Variance shall not be materially detrimental to the public welfare.
2. The use or value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner. As such, it is further found that the granting of the Variance shall not result in substantial detriment to adjacent property or the surrounding neighborhood.

3. The need for the Variance arises from some condition peculiar to the property involved. The peculiar condition constituting a hardship is unique to the property involved or so limited to such a small number of properties that it constitutes a marked exception to the property in the neighborhood. Such condition is the shape of the lot and the location of the existing residence and cost of proposed addition at this location.
4. The strict application of the terms of the Warrick County Comprehensive Zoning Ordinance will constitute a practical difficulty, unusual and unnecessary hardship if applied to the property for which the Variance is sought.
5. The approval does not interfere substantially with the Warrick County Comprehensive Zoning Ordinance adopted pursuant to IC 36-7-4-500 et seq.
6. The granting of the Variance is necessary in order to preserve a substantial property right of the petitioner to use the property in a reasonable manner, and not merely to allow the petitioner some opportunity to use his property in a more profitable way or to sell it at a greater profit.
7. That the hardship to the applicant's use of the property was not self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions of the Warrick County Comprehensive Zoning Ordinance.
8. The approval of the requested Variance is the least modification of applicable regulations possible so that the substantial intent and purpose of those regulations contained in the Warrick County Comprehensive Zoning Ordinance shall be preserved.
9. This Variance shall expire six (6) months after this date, UNLESS a Permit based upon and incorporating this Variance is obtained within the aforesaid six (6) month period or unless the provision of the Variance are adhered to within the aforesaid six (6) month period. Upon advance written application for good cause, a renewal for an additional six (6) month period may be granted by the Secretary of the Area Plan Commission.
10. The Variance Application is subject to the terms contained therein and the plans on file subject to the following additional conditions:
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 - b. Subject to any required Building Permit from the Warrick County Building Department being obtained.
 - c. Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
 - d. Subject to all utility easement and facilities in place.

The motion was seconded by Mike Winge and unanimously carried.

OTHER BUSINESS: None

ATTORNEY BUSINESS:

Attorney Doll stated Dr. Hamby has exhausted all appeals on the wind turbine and lost and the Indianan Supreme Court has ruled that the Court of Appeals decision, and therefore Judge Meyers decision, was proper and correct. He stated wind turbines are permitted.

Discussion was held on appeal processes.

EXECUTIVE DIRECTOR BUSINESS: None

Being no other business the meeting adjourned at 7:00 p.m.

Larry Willis, Chairman

ATTEST:

The undersigned Secretary of the Warrick County Board of Zoning Appeals does hereby certify the above and foregoing is a full and complete record of the Minutes of said Board at their monthly meeting held April 25, 2011.

Sherri Rector, Executive Director & Secretary